

REMARKS

Claims 1-77 are pending. A Final Office Action mailed January 5, 2005 restricted the claims and rejected Claims 1, 4, 5, 21, 25, 30, 35, 51, and 71 under the judicially created doctrine of obviousness-type double patenting and rejected Claims 71 under 35 U.S.C. § 102. By way of this Amendment, Applicant hereby cancels Claims 11-20, 39-50, 55-71, and 73 and amends Claims 72 and 74-77. Pursuant to 37 CFR § 1.116, Applicant hereby respectfully requests reconsideration of the application.

ELECTION RESTRICTION

The Office Action stated the finality of an restriction with regard to Group I in a previously identified restriction requirement. Applicant has cancelled Claims 11-20, 39-50, and 55-70 thereby complying with the restriction.

REJECTION OF CLAIMS UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING

The Final Office Action rejected Claims 1, 4, 5, 21, 25, 30, 35, 51, and 71 under the judicially created doctrine of obviousness-type double patenting over Claims 1, 4, and 5 of United States Patent No. 6,516,337.

Applicant hereby submits a terminal disclaimer, thereby overcoming the above-noted rejection.

REJECTION OF CLAIM 71 UNDER 35 U.S.C. § 102

The Final Office Action rejected Claim 71 as being anticipated by Maudlin. Applicant hereby cancels Claim 71, thereby rendering this rejection moot.

The contents of Claim 71 has been incorporated into objected to Claim 72, thereby making Claim 72 allowable. Because Claims 74-77 have been amended to depend from an allowable independent claim, they are allowable.


25315

CUSTOMER NUMBER

- 8 -

ARCE-1-1002RFOA

BLACK LOWE & GRAHAM ^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Michael S. Smith

Patent Agent

Registration No. 39,563

Direct Dial: 206.749.9888

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6/22/05

Date of Deposit



Michelle Funston-Carman


25315

CUSTOMER NUMBER

- 9 -

ARCE-1-1002RFOA

BLACK LOWE & GRAHAM^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301